

MESSAGE NO: 9119202 MESSAGE DATE: 04/29/2009

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-351-838

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 02/01/2008 TO 01/31/2009

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN FROZEN WARMWATER SHRIMP
FROM BRAZIL (A-351-838), EXCEPT FOR FIRMS LISTED.

MESSAGE NO: 9119202

DATE: 04 29 2009

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

REFERENCE DATE:

CASES: A - 351 - 838

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PERIOD COVERED: 02 01 2008 TO 01 31 2009

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN FROZEN WARMWATER
SHRIMP FROM BRAZIL (A-351-838), EXCEPT FOR FIRMS
LISTED.

1. COMMERCE DOES NOT AUTOMATICALLY CONDUCT ADMINISTRATIVE REVIEWS

OF ANTIDUMPING DUTY ORDERS. INSTEAD, REVIEWS MUST BE REQUESTED
PURSUANT TO SECTION 751(a)(1) OF THE TARIFF ACT OF 1930, AS
AMENDED, AND IN ACCORDANCE WITH SECTION 351.213 OF COMMERCE'S
REGULATIONS.

2. COMMERCE HAS NOT RECEIVED A REQUEST FOR AN ADMINISTRATIVE
REVIEW OF THE ANTIDUMPING DUTY ORDER FOR THE PERIOD AND ON THE

MERCHANDISE LISTED BELOW, EXCEPT FOR THE FIRMS NOTED. THEREFORE, IN ACCORDANCE WITH SECTION 351.212(c) OF COMMERCE'S REGULATIONS, YOU ARE TO ASSESS ANTIDUMPING DUTIES ON MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION AT THE CASH DEPOSIT OR BONDING RATE IN EFFECT ON THE DATE OF ENTRY.

PRODUCT: CERTAIN FROZEN WARMWATER SHRIMP
COUNTRY: BRAZIL
CASE NUMBER: A-351-838
PERIOD: 02/01/2008 THROUGH 01/31/2009

LIQUIDATE ALL ENTRIES FOR ALL FIRMS EXCEPT:

ACARAU PESCA DISTR. DE PESCADO IMP. E EXP. LTDA.
AMAZONAS INDUSTRIA ALIMENTICIAS SA
AQUACULTURA FORTALEZA AQUAFORT SA
AQUATICA MARICULTURA DO BRASIL LTDA.
AQUAFEED DO BRASIL LTDA.
ARTICO S/A BRAMEX BRASIL MERCANTIL LTDA.
CAMANOR - PRODUTOS MARINHOS LTDA.

CIDA CENTRAL DE IND. E DISTRIBUICAO DE ALIMENTOS LTDA.
COMPESCAL - COMERCIO DE PESCADO ARACATIENSE LTDA.
COMPEX INDUSTRIA E COMERCIO DE PESCA E EXPORTACAO LTD.
DAFRUTA IND. & COMERCIO
ESPERANCA PESCADOS
INTERMARIN SERVICIOS NAUTICOS
IPESCA
ITA FISH - S.W.F. IMPORTACAO E EXPORTACAO LTDA.
ITA FISH TRANSP. COMERCIO PESCA
J K PESCA LTDA.
LEARDINI PESCADOS LTDA.
LUSOMAR MARICULTURA LTDA.
MARICULTURA RIO GRANDENSE
MARICULTURA TROPICAL
MARINE MARICULTURA DO NORDESTE SA
MM MONTEIRO PESCAE EXPORTACAO LTDA.

MUCURIBE PESCA LTDA., EPP.
NATAL PESCA
NETUNO ALIMENTOS SA/MARICULTURA NETUNO SA
NORTE PESCA SA
ORION PESCA LTDA.
PESQUEIRA MAGUARY LTDA.
POTIGUAR ALIMENTOS DO MAR LTDA.
POTIPORA AQUACULTURA LTDA.
QUALIMAR COMERCIO IMPORTACAO E EXPORTACAO LTDA.
SANTA LAVINIA COMERCIO E EXPORTACIO LTDA.
SEAFARM CRIACAO E COMERCIO DE PRODUTOS AQUATICOS LTDA.
SECOM AQUICULTURA COMERCIO E INDUSTRIA SA
SILVA EMBARCACAO
SM PESCADOS INDUSTRIA COMERCIO E EXPORTACAO LTDA.
SOHAGRO MARINA DO NORDESTE SA
TECMARES MARICULTURA LTDA.
TERRACOR TDG. EXP. E IMP. LTDA.
TORQUATO PONTES PESCADOS SA
TROPICAL PESCA LTDA.
VALENCA DA BAHIA MARICULTURA SA

3. THERE ARE NO INJUNCTIONS APPLICABLE TO THE ENTRIES COVERED BY THIS INSTRUCTION.

4. ENTRIES OF MERCHANDISE OF EXCEPTED FIRMS SHOULD NOT BE LIQUIDATED UNTIL YOU RECEIVE SPECIFIC INSTRUCTIONS AFTER THE COMPLETION OF THE ANTIDUMPING REVIEW. CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRIES OF MERCHANDISE EXPORTED OR PRODUCED BY THE LISTED FIRMS AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THIS PERIOD.

5. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 02/01/2008 THROUGH 01/31/2009 OCCURRED WITH THE PUBLICATION OF THE NOTICE OF INITIATION OF ADMINISTRATIVE REVIEW FOR THE (02/2009) ANNIVERSARY MONTH (74 FR 15699,04/07/2009). FOR ALL OTHER SHIPMENTS OF CERTAIN FROZEN WARMWATER SHRIMP FROM BRAZIL YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF

ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES.

THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION.

THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF COMMERCE'S REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY.

IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER, TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION.

ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD

OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE
ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984
OR (202) 482-3577 RESPECTIVELY (GENERATED BY:02:AB).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CHRISTINE FURGASON

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party